

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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HARVEY E. POWERS

Plaintiff,

v.

Case No. 04-C-471

UNITED STATES OF AMERICA,

Defendant.

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**ORDER**

On February 1, 2006, Harvey Powers filed a motion seeking an extension of time within which to reply to the government's response to his pending § 2255 petition and to obtain certain transcripts related to his trial. On February 22, 2006, the court granted the motion for an extension of time, and at the same time denied his request for transcripts, noting that transcripts of Powers' trial and sentencing had been previously provided to his trial counsel, and that if he wanted additional copies they could be obtained from the clerk of the court at \$0.25 per page.

In response to the court's order Powers has requested that the clerk of the court produce a transcript of the sealed proceeding held on Monday, February 28, 2000. That proceeding was conducted in reference to his court appointed attorney's request to withdraw for personal reasons, unrelated to the prosecution or defense of Power's case. Although Mr. Powers was indeed present during the entire hearing which actually began on Friday, February 25, 2000, and given an opportunity to

participate personally, he elected not to do so, leaving it to the court and counsel to address the issues presented.

The court has reviewed the record of proceedings which were conducted in the underlying criminal case on February 25 and 28, 2000, and finds that the matters taken up by the court during those proceedings were entirely personal in nature to Mr. Powers' then court appointed counsel. Consequently, they have no relevance to Powers' contention that he has been denied the full benefit of information relative to his case. Accordingly, the court is constrained to deny his request that the February 28, 2000, proceeding be unsealed.

**SO ORDERED.**

Dated at Milwaukee, Wisconsin, this 31st day of March, 2006.

BY THE COURT:

s/J.P. Stadtmueller  
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J.P. STADTMUELLER  
U.S. District Judge